

11-12-1969

Hastings Law News Vol.1 No.4

UC Hastings College of the Law

Follow this and additional works at: <http://repository.uchastings.edu/hln>

Recommended Citation

UC Hastings College of the Law, "Hastings Law News Vol.1 No.4" (1969). *Hastings Law News*. Book 13.
<http://repository.uchastings.edu/hln/13>

This Article is brought to you for free and open access by the UC Hastings Archives and History at UC Hastings Scholarship Repository. It has been accepted for inclusion in Hastings Law News by an authorized administrator of UC Hastings Scholarship Repository. For more information, please contact marcusc@uchastings.edu.

HASTINGS LAW NEWS



VOLUME I ISSUE NO. 4

198 Mc Allister Street, San Francisco, CA. 94102

12 NOVEMBER 1969

MORATORIUM

" We, the student body of Hastings, strongly urge that classes be cancelled on November 14th and 15th, and that the 14th be devoted to discussions of the Vietnam War, The Draft, and the law, in conjunction with the Vietnam Moratorium. "

Referendum

Student Voting:

459	"YES"	70.3 %
193	"NO"	29.7 %
388	NO Vote	37.3 %

BURNSTEIN LECTURE

Mr. Malcolm Burnstein, the Bay Area attorney who represented the " OAKLAND SEVEN ", was the guest lecturer presented by the Hastings Society of International Law, on Friday, 31 October. Speaking on the topic of, The Draft and International Law, Mr. Burnstein made frequent references to the recent Oakland Seven case. That trial involved the prosecution of 7 defendants for alleged conspiracy to commit trespass misdemeanors at the Army Induction Center in Oakland.

Part of Mr. Burnstein's trial strategy was to place the underlying issue of the legality of the war in Vietnam before the jury and to superimpose the Nuremberg principles regarding individual responsibility as a defense. The subsequent acquittal of the 7 defendants was cited as indicative of a growing awareness on the part of the general public to some of the principles of international law; a field once reserved for striped-pants diplomacy. The application of such international criteria to domestic issues demands that law students and practitioners acquire a familiarity with international law.

JOE WALTUCH

TO: Editor, Hastings Law News

October 31, 1969

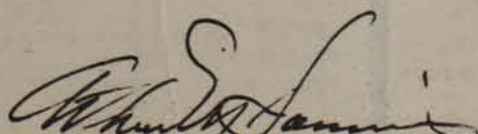
Request has been made by a number of individuals that classes be cancelled on November 14th and 15th to permit discussion of the Viet Nam situation. Requests have also been received from students that classes not be cancelled on those days.

It is considered that discussion of current events is very worthy as is the study of law. It should be recognized by all, however, that the primary purpose of the College is to offer instruction in the various fields of the law.

The so-called moratorium is a matter of conscience. Those students placing first priority on the moratorium are certainly entitled to remain away from classes and engage in such activities as they desire. Those students placing first priority on the study of law during the days in question should be permitted to do so and classes will be conducted in accordance with the primary purpose stated above.

The above indicated freedom of choice extends not only to the student body but to members of the faculty as well. If a faculty member or faculty members desire to cancel individual classes they are free to do so but will be expected to hold the cancelled classes at a later date.

Our existing very tight schedule precludes any other administrative position.


Arthur M. Sammis
Dean



On Grading

Get the feeling that Hastings exists simply for God, apple pie, John Locke, or the "Sixty-five Club"? Not so. It is here for you, and its yours for the next three years (1st year students). So, let's get together and go through this trial-by-ordeal as friends instead of hypocrites. Let's not go through wishing each other well on the outside, while inside hoping that the fellow next to you doesn't get a better grade on the examination.

We can end this ruthless, non-productive scramble for silver and gold stars before it begins; by changing the present numerical grading system to an "HONORS - PASS - FAIL" system. Four-hour exams cannot determine what you have learned in one year. No one can assign a valid numerical value to the material you have learned. Moreover, one doubts if many professors are deluded by the counterfeit precision of the present system. Few would volunteer to explain the difference between an exam given a 75 and another given a 76. That is, of course the reason that examination papers are not returned to the students. I believe, the faculty, who under the present system are forced to be more exact than they justifiably can be, would probably welcome a change, too.

We are all college graduates, many with considerable work experience or time in service. We are here because we want to study law. Neither mommy and daddy, nor the board of education, is forcing us to attend. We don't need artificial sweeteners to whet our appetites for law. In brief, if an individual doesn't have a taste for law, that is his problem and not the institutions.

We were pitted against each other in grade school to get into the nice teacher's classroom. We were pitted against each other in junior high to get into the advanced classes. We were pitted against each other in high school to get into a decent college. We were pitted against each other in college to get into a respectable law school. Well, here we are at the respectable law school and we are being pitted against each other for a handful of job offers. Have we learned anything? Haven't we learned that cut-throat competition is not a good learning process? Haven't we developed confidence in ourselves? Surely, we don't all feel that we have to display an array of silver and gold stars to get a decent job once we graduate from Hastings. I maintain that any graduate, provided he doesn't have two heads, will, with a little application, find a suitable position. If, however, one has two heads, he had best start loading up on gold stars right away.

If a TOP - MIDDLE - LOWER grading system works well for Boalt Law School, an HONORS - PASS - FAIL system will work at Hastings. Although there is certainly a need for a reasonable work-standard; (the quality expected by a reasonable Hastings Professor), performance below which cannot be tolerated, there is no reason for us to compete with one another for the highest total number of points in three years. Such a system creates a hostile atmosphere and is probably less conducive to meaningful study than an honors - pass - fail system. The only purpose that numerical grading serves is to encourage students to put each other down. The present system merely goads the insecure student, forcing him to attempt to "distinguish" himself from the crowd by ranking in the upper quarter or tenth of his class. This dubious honor probably means that he did not waste his time writing formal briefs, but instead, purchased the right outlines and had the right upper-class friends who gave him their old tests and other information on how to tailor exams to the individual professor's taste. Thus, the emphasis is shifted from studying to learn, understand, and enjoy law; to the old rat race of one-ups-man-ship. If we do not change the system of grading now, we will be forced to compete, dog-eat-dog-style for the next three years. We all know, only too well, the "if you are not one up, you are one down" philosophy. Let's replace the present jungle law with a more civilized system.

One doesn't need a Ph. D. in Arithmetic to realize that the present system is based upon the false assumption that you can measure goods roughly in pound and feet and then miraculously obtain precise results in ounces and inches. For example, with no greater pretended precision than a 74, 75 and 77 the figures are averaged to arrive at an absolute grade point average of 75.33. The student with the 75.33 may be ranked as many a fifteen notches above a student with a 74.87, when neither can justifiably be assigned a more precise average than 75. It is conceivable that the top man in the class could only have an average a few hundredths or tenths higher than persons deemed not even in the "Top Ten". Not only is this present method of evaluation invalid, it is ludicrous.

Some students will undoubtedly insist on the importance of numerical grading in the hope that they may thereby distinguish themselves as valuable properties for recruiting firms. The only apparent use of this fine line system is the subsequent ranking and in turn its use to command a higher rate of pay upon graduation. Might I suggest that such an emphasis upon the acquisition of lucrative leverage is not one of the most conducive pressures that could or should be applied in the qualitative educational process.

Thus ends, a plea for LAW FOR LAW'S SAKE.

JIM FERGUSON

Grading



One of the time honored maxims of debate is that, "You can argue statistics to support any proposition". Hastings Law News would like to thank Dean Munster for making some pertinent data on last year's grades available for publication. As to what propositions these statistics may or may not support - well, that verges on being a matter of conscience - so each student reader may draw his own conclusions.

H.L.N. suggests that the Administration consider the publication of a yearly statement of grading statistics. Given the present use of grades as indicators of educational achievement and tools of employment selectivity, it would seem that the school should furnish the student with some yearly statement as to how the grading system is functioning.

One would assume that the Administration already monitors the grading results to short stop any gross imbalances, so it would seem to be an easy matter to provide this "performance data" to the students. Section shopping and elective scouting has in the past been based upon little more than measuring the level of moans and groans when any particular professor's name is mentioned in the registration line. With an adequate supply of raw data and perhaps the rental of a little computer time, it would seem that within certain perimeters the student looking for a grade could truly program his course of study.

J. P. MOORE

PROSPECT 70

The Hastings Student Placement Office, in conjunction with the Golden-Gate Area Federal-College Relations Council, has arranged for a student informational program on Federal Service to be presented at Hastings College of Law on Friday, 14 November. The program, entitled, "Legal Career Opportunities In Federal Service", will be presented in CLASSROOM "C", starting at 10:40 on Friday, 14 November.

Guest speakers from the following agencies will deliver brief descriptions of the legal career patterns available within their respective agencies:

DEPT. OF HOUSING AND URBAN DEVELOPMENT
U. S. NAVY
NATIONAL LABOR RELATIONS BOARD
UNITED STATES ATTORNEY'S OFFICE
FEDERAL TRADE COMMISSION
INTERNAL REVENUE SERVICE

The agency representatives will restrict their remarks to general topics during the formal presentation which is programed for one hour. However, these representatives will be available to answer individual inquiries after the formal presentation.

HASTINGS LAW NEWS is published every other Wednesday throughout the school year. It is a product of student funding and student effort.

External distribution is on an ad hoc basis and requests for mailings will be honored. Commercial ad-rates available upon request.

STAFF

EDITOR James P. Moore
FEATURES EDITOR James C. Shine
PHOTOGRAPHY EDITOR John J. Wike

ELECTIVES

	High	Median
Administrative Law	88	76
Admiralty	92	79
Advanced Criminal Procedure	88	76
Commercial Paper	89	73
" "	91	74
Creditors' Rights	86	74
Damages	86	74
Domestic Relations	90	75
" "	88	75
International Bus. Trans.	92	78
International Law	88	76
Labor Law	90	77
Mortgages	90	80
Municipal Corporations	87	75
Patent Law	87	79
Restitution	92	74
Sales	89	78
Suretyship	91	77
Trade Regulation	89	74

Grading

TO: Hastings Law News

October 22, 1969

FROM: Associate Dean Munster

On the question of the alleged "wide variation" in the grading of examinations, a study of the statistical breakdown of grades in the various sections disclosed a marked lack of variation, even less than should be expected.

The median grades in each subject represents the grade that is squarely in the middle, the one having an equal number of grades above and below. The largest variation in medians occurred in Property, Torts, and Criminal Law and that variation, in each course, was 2. Oddly enough, in Property and Torts the variation was not between professors but between sections as the variations occurred between sections taught by the same professor. In Agency and Civil Procedure the maximum variation in median was 1 and in Agency the variation was between sections taught by the same professor. There was no variation in median among the three professors of Contracts.

The first year class has been used as an example. Substantially the same thing can be said of the second year. Where, except for the course in Evidence, the widest median variation was 2. Evidence had a variation of 3, with the sections taught by the same professor varying by 1. In Constitutional Law, Legal Research, and Wills the variation was 2 and in each case the variation was between sections taught by the same professor. The variation in Trusts and Estates was 1 and was between sections taught by the same professor. As might be expected, the lowest median was in Trusts and Estates, admittedly a tough course.

In the third year the maximum median variation was 2, in Community Property, Conflicts and Federal Taxation I. In the latter case the course was taught by the same professor. Where there was a variation of 2 it was invariably section B that did better. The variation in Corporations was 1 with section A having the higher median.

In each of the above discussions reference was to required courses only.

FIRST YEAR

	High	Median
<u>Agency</u>		
A	92	72
B	88	73
C	89	73
<u>Civil Procedure</u>		
A	87	75
B	87	74
C	90	74
<u>Contracts</u>		
A	85	75
B	90	75
C	89	75
<u>Criminal Law</u>		
A	90	74
B	88	74
C	89	72
<u>Property</u>		
A	88	73
B	87	74
C	88	75
<u>Torts</u>		
A	95	77
B	89	75
C	95	75

SECOND YEAR

	High	Median
<u>Constitutional Law</u>		
A	87	75
B	88	75
C	91	77
<u>Equity</u>		
A	87	74
B	87	74
C	85	74
<u>Evidence</u>		
A	90	77
B	89	74
C	92	75
<u>Legal Research</u>		
A	84	75
B	84	77
C	86	76
<u>Trusts & Estates</u>		
A	89	73
B	88	73
C	89	74
<u>Wills</u>		
A	90	76
B	95	75
C	90	74

THIRD YEAR

	High	Median
<u>Community Property</u>		
A	90	76
B	91	78
<u>Conflicts</u>		
A	94	74
B	90	76
<u>Corporations</u>		
A	90	75
B	89	74
<u>Federal Taxation I</u>		
A	96	74
B	90	76
<u>Federal Taxation II</u>		
A	92	77
B	95	77
<u>Legal Profession</u>		
A	87	77
B	90	77
<u>Pleading & Joinder</u>		
A	85	74
B	87	74

1 IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
2 IN AND FOR THE COUNTY OF SANTA CLARA
3 JUVENILE DIVISION
4 HONORABLE GERALD S. CHARGIN, JUDGE COURTROOM NO. 1
5 --o0o--
6
7 In the Matter of)
8 [REDACTED],) No. [REDACTED]
9 a minor.)
10
11 --o0o--
12
13 STATEMENTS OF THE COURT
14 San Jose, California September 2, 1969
15 --o0o--

1 September 2, 1969 10:25 a.m.
2 STATEMENTS OF THE COURT
3 THE COURT: There is some indication that you more or
4 less didn't think that it was against the law or was improper.
5 Haven't you had any moral training? Have you and your family
6 gone to church?
7 THE MINOR: Yes, sir.
8 THE COURT: Don't you know that things like this are
9 terribly wrong? This is one of the worst crimes that a person
10 can commit. I just get so disgusted that I just figure what is
11 the use? You are just an animal. You are lower than an animal.
12 Even animals don't do that. You are pretty low.
13 I don't know why your parents haven't been able to
14 teach you anything or train you. Mexican people, after 15 years
15 of age, it's perfectly all right to go out and act like an
16 animal. It's not even right to do that to a stranger, let alone
17 a member of your own family. I don't have much hope for you.
18 You will probably end up in State's Prison before you are 25,
19 and that's where you belong, any how. There is nothing much
20 you can do.
21 I think you haven't got any moral principles. You
22 won't acquire anything. Your parents won't teach you what is
23 right or wrong and won't watch out.
24 Apparently, your sister is pregnant; is that right?
25 THE MINOR'S FATHER, [REDACTED] Yes.
26 THE COURT: It's a fine situation. How old is she?
1 THE MINOR'S MOTHER, [REDACTED] Fifteen.
2 THE COURT: Well, probably she will have a half a
3 dozen children and three or four marriages before she is 18.

4 The County will have to take care of you. You are
5 no particular good to anybody. We ought to send you out of the
6 country -- send you back to Mexico. You belong in prison for
7 the rest of your life for doing things of this kind. You ought
8 to commit suicide. That's what I think of people of this kind.
9 You are lower than animals and haven't the right to live in
10 organized society -- just miserable, lousy, rotten people.

11 There is nothing we can do with you. You expect the
12 County to take care of you. Maybe Hitler was right. The
13 animals in our society probably ought to be destroyed because
14 they have no right to live among human beings. If you refuse
15 to act like a human being, then, you don't belong among the
16 society of human beings.

17 MR. LUCERO: Your Honor, I don't think I can sit here
18 and listen to that sort of thing.

19 THE COURT: You are going to have to listen to it
20 because I consider this a very vulgar, rotten human being.

21 **COUNSEL**
22 **[REDACTED]**: The Court is indicting the whole Mexican
23 group.

24 THE COURT: When they are 10 or 12 years of age, going
25 out and having intercourse with anybody without any moral
26 training -- they don't even understand the Ten Commandments.
That's all. Apparently, they don't want to.

1 So if you want to act like that, the County has a
2 system of taking care of them. They don't care about that.
3 They have no personal self-respect.

4 **COUNSEL**
5 **[REDACTED]**: The Court ought to look at this
6 youngster and deal with this youngster's case.

7 THE COURT: All right. That's what I am going to do.
8 The family should be able to control this boy and the young
9 girl.

10 **COUNSEL**
11 **[REDACTED]**: What appals me is that the Court is
12 saying that Hitler was right in genocide.

13 THE COURT: What are we going to do with the mad dogs
14 of our society? Either we have to kill them or send them to
15 an institution or place them out of the hands of good people
16 because that's the theory -- one of the theories of punishment
17 is if they get to the position that they want to act like mad
18 dogs, then we have to separate them from our society.

19 Well, I will go along with the recommendation. You
20 will learn in time or else you will have to pay for the penalty
21 with the law because the law grinds slowly but exceedingly well.
22 If you are going to be a law violator -- you have to make up
23 your mind whether you are going to observe the law or not. If
you can't observe the law, then, you have to be put away.

1 STATE OF CALIFORNIA)
2 COUNTY OF SANTA CLARA) ss.
3
4 I, SUSAN K. STRAHM, do hereby certify that the
5 foregoing is a true and correct transcript of the STATEMENTS
6 OF THE COURT had in the within-entitled action taken on the
7 2nd day of September, 1969; that I reported the same in
8 stenotype, being the qualified and acting Official Court
9 Reporter of the Superior Court of the State of California, in
10 and for the County of Santa Clara, appointed to said Court,
11 and thereafter had the same transcribed into typewriting as
12 herein appears.
13 Dated: This 15th day of September, 1969
14
15
16
17
18 SUSAN K. STRAHM, C.S.R.

H.L.N. would like to thank, Mr.
Steve Yabarra, a first year stu-
dent, for obtaining and passing
along the copy of the transcript
reprinted above.

I would like to express my
personal opinion that Judge Char-
gin's recent recantation of and
apology for his statements does
not alter his evident unsuita-
bility for judicial duties.
I am aware that persons en-
gaged in the administration of
justice are subjected to a dis-
torted view of the human condi-
tion since they continually con-
fronted with persons who have
engaged in anti-social conduct.
This may somewhat excuse the de-
velopment of a cynical attitude or
the growth of prejudice, but it is
in no way a mitigating factor to be
considered in determining the fu-
ture propriety of sustaining those
so affected, in office. Judge Char-
gin's lengthy diatribe is symptoma-
tic of such a deep seated prejudice
as should disqualify him from fur-
ther judicial duties.
James P. Moore

Comment

On September 2, 1969, inside a Superior Court in Santa Clara County, bigotry appeared, cloaked in a black robe. The Hon. Gerald S. Chargin, Judge of the Superior Court; in a case involving alleged incest between a 17 year old boy and his 15 year old sister, condemned Mexican - Americans as a group and suggested the possible propriety of Hitler's policy of genocide.

Since then, in a letter to the San Francisco Board of Supervisors, Judge Chargin has admitted that his remarks were inappropriate. He wrote in part, "I regret the intemperance of my remarks on that occasion in court because I never intended any reflection on any ethnic or religious group. Moreover, I intended no slur or reflection on Americans of Mexican Ancestry." The judge also noted that his remarks were very properly challenged before the State Commission on Judicial Qualifications. His letter to the Board further stated that, "Every person is properly entitled to expect justice to be administered by one completely free of bias, prejudice or hatred toward any person because of race, ethnic origin or religious or political beliefs."

Certainly Judge Chargin is correct in his statement that one is entitled to be judged by one free from bias or prejudice. The Canons of Judicial Ethics, adopted by the Conference of California Judges, sets forth additional minimum standards which, according to the preamble of the canons, indicates, "... What people have a right to expect..." from their judges. We are entitled to a judge who is temperate, attentive, patient, and impartial. Furthermore, a judge must at all times remain courteous to counsel and, "... to all others appearing or concerned in the administration of justice in the court." Because Judge Chargin was acting as a juvenile court judge in the case in question, his responsibilities were even greater. It is absolutely essential that a juvenile court judge be understanding and tolerant in his relationship to juveniles appearing before him. He should have secured such a resolution of his own subjective problems and values that his work would not express reactive, compensatory, or projective requirements of his personality. A juvenile judge needs, even more than his fellows on other benches, to be a balanced individual.

Given the standard expected of our judges it is not surprising that Judge Chargin's conduct is presently under investigation by the State Commission on Judicial Qualifications. Were it not, there would be cause for concern. The Commission is the watchdog of our judiciary. Any successful effort to have a judge removed from office begins with the filing of a complaint with this Commission. It is the only practical method of removal since impeachment and recall are cumbersome and expensive. The Commission consists of five judges, appointed by the State Supreme Court, from specified lower courts, two lawyers, appointed by the Board of Governors of the State Bar, and two laymen appointed by the Governor subject to legislative approval.

If action is deemed appropriate, the Commission can recommend censure or removal of the judge. Five members of the Commission must vote for removal or censure before a recommendation is made to the State Supreme Court. That Court, after reviewing the recommendations of the Commission, is free to accept, reject, or modify them.

The grounds for removal or censure are: "willful misconduct in office, willful and persistent failure to perform his duties, habitual intemperance, or conduct prejudicial to the administration of justice that brings the judicial office into disrepute..." During 1967 and 1968 the Commission received 233 complaints. Ninety-six of these were given a preliminary investigation. There were no formal hearings, consequently, there were no Commission recommendations to the Supreme Court for censure, removal or retirement. In 7 of the cases the judge retired or resigned thus terminating the investigation and in a number of other cases the Commission worked with the judge to bring about an improvement in his conduct.

The Commission has undoubtedly received complaints on Judge Chargin's conduct. Such complaints are not a matter of public record until placed before the State Supreme Court. When queried on that subject Mr. Jack E. Frankel, Executive Secretary of the Commission replied, "That's like asking the Secretary of State if he knows there is a war going on in Vietnam." Part of the pressure is being brought to bear by Mexican-American community organizations. San Francisco Supervisor, Robert E. Gonzales has suggested that the Board of Supervisors censure the San Jose judge for his intemperate remarks, and impeachment proceedings were suggested by Assembly Minority Leader, Jess Unruh if the Supreme Court fails to remove Judge Chargin. H. L. N. would like to think that its publication of the judge's remarks will spur proper remedial action by making the "intemperance" of the judge's statements painfully evident.

In the final analysis, the controversy surrounding Judge Chargin will have to be reduced to a balancing test - the gravity of the wrongful conduct of the judge on the one hand and the desirability of an independent judiciary on the other. In this particular case the imbalance may be obvious, but as a general proposition it is clear that judges must be free to apply the law impartially, whether it be against the most popular person in the community, or in favor of the most hated. He must have the independence to apply the law fearlessly - especially when the community has been swept by emotions that make it intolerant of restrained action. It is equally obvious that we cannot allow a judge to remain on the bench if he is unable to meet the high standards required. There will be little confidence in the judicial process if the men charged with its administration are, because of personal prejudice, undeserving of a litigant's trust.

J. SHINE

Letters



"Michael Kennedy (Hastings '62) spoke here on the 10th of October on the difficulty of reaching a concurrence of thought and action among the "Chicago 8" defendants. With individually diverse goals, during the National Democratic Convention of '68, perhaps their first moment of unanimity came with their decision to face the U.S. Government indictments (under 18 U.S.C. Sec. 231-233) as a group. There was similar local disparity preceding the Moratorium of 15 Oct. last, in fact throughout that day - some sought the closing of the school, others wished for an organized dialogue among ourselves - faculty and students, some still yearn for a rapprochement between those who see a need for the Vietnam miasma and others who are in despair over "business as usual" and see "action" as an attractive panacea.

The "use" was a product of the uncertainties of an earlier English society. That device seemingly despaired any resolution of the conflicts which produced forfeiture and escheat. Can we, the legal profession - consummate and inchoate - not afford a better remedy for our contemporary society's malaises? How can this legal profession induce and innovate the Anglo-American legal system to give meaning to the appellation which some emend as "make law, not war"? Can legal legerdemain "pull-off" the institutionalization of new mores in a society? Can we induce love - agape and philia, among men? Aren't there forms of redress which we could create and fabricate in order to expand the scope of the legal alternatives available to the alleged incompetent, ...clients, debtors, emigrants, ...minors, ...tenants, the ungainfully employed, ...? These are questions which brought many of us to law school and it is the status of their parameters which deserve our attention hopefully in colloquy during the prospective November and December moratorium observances. Quare, is there a Sunday, Monday, Tuesday, Wednesday, Thursday, Friday, Saturday - morning, afternoon, or evening when we would gather together to discuss these matters and the sources of violence which threaten the individual's psychological rights - e.g. pollution in its polyglot forms, the ineffective and unsafe use of drugs and automotive technology, ...?

pax
ROB TEETS "

A.S.H.

A.S.H. had its first Council meeting on Tuesday. Our meetings are now scheduled for 4:40 on Tuesdays in Room 201, main bldg., across from the A.S.H. Office. I believe we have most of the views held by students represented by the various class reps. The interest in the First Year towards the elections was gratifying somewhat, and the mandate given the Third year reps was overwhelming. Vince Muzzi ran a spirited write-in campaign, only to be eeked out by two votes by Jack Murray in 3-C.

At our first meeting, selection of various board members (e.g. Academic Affairs) was accomplished. A committee was also formed to determine the best method to select student reps for the Student/Faculty Committee. Whatever method is used sign-ups from interested students will be required next week. This committee is extremely important and only students who plan to devote some time and effort to it should sign up.

As of this writing, the first day's results on the referendum are in. 71% have voted to cancel classes and devote the day to discussion of the war, etc. There is a possibility that Wayne Morris, former Senator from

INCENTIVE v. INTRODUCTION TO LAW

Class of 1972 - Hastings College of the Law

No, Justice *** The present action was brought to recover damages for irreparable and inexcusable injury to the plaintiff by the defendant, and to enjoin the defendant from continuing the practice now being employed by the defendant's agents. Plaintiff contends that the action by the defendant, whether by intent or by negligence, deprived an entire class of students of the invaluable opportunity to become enlightened, educated, and just possibly interested in what a legal career is really all about.

A motion for a summary judgement by the plaintiff was sustained and Defendant appeals.

We have, upon carefully reviewing the facts, no choice but to agree with plaintiff's contention that defendant, is guilty of inflicting severe mental distress upon plaintiff. Defendant had every opportunity to cure this defect by numerous methods often proposed by plaintiff. A more relevant approach by Introduction to Law is needed. Guest speakers, courtroom observation, lectures by alumni, or any suggestions a reasonable man would believe to be an asset rather than a one-hour-a-week liability is demanded.

The opportunity of defendant's agents to show the aforesaid students what the legal profession is really all about is being wasted. Every one of these students wants to be shown what the end result of 3 years of hard work will be. Each has heard how he must shed blood, sweat, and tears for his degree; giving him a look at the possible fruits of these labors is the only justifiable excuse for "Introduction to Law".

Judgement affirmed, actual damages immeasurable, "punitive damages" inexcusable.

Initiative, Imagination, Intelligence, JJ concur.
Ignorance, J dissents.

JIM MATTESICH

Since Introduction to Law was just inserted in the first year curriculum this year, Hastings Law News had to do some quick checking to appreciate Mr. Mattesich's article.

A brief discussion with Dean Munster gave the picture of Intro to Law being a necessarily dry study of basic legal relationships and terminology. The course prospectus (excerpted from the catalogue below) would indicate that the course could utilize the clinical approach to accomplish the enumerated objectives, and H.L.N. hopes that the Administration will explore this avenue of change.

Introduction to the Study of Law

Mr. Curtis

The objectives of the course are to orient the student's prelaw studies and experiences to the study of law; to obtain a comprehension of the courses of law in America; to note some of the ways in which our law reacts to economic and social demands upon it; and to develop an understanding of the methods of judicial reasoning.

One hour a week, first semester

1 unit

Oregon, will be here on the 14th, as well as some draft lawyers. The U.S. Attorney has declined to be present as did the Judge Advocate's General Corps at the Presidio. We hope that the faculty of this law school will recognize the students' desire to discuss the legal issues involved and that they will take part on the 14th.

Because of an effort by Doug Schmidt, in his capacity as co-chairman of the Law Students Union, and other members of that group, it looks very likely that a consumer protection course will be offered next semester. The instructor will hopefully be Mr. William Bennett, Former P.U.C. Chairman. This demonstrates that, sometimes, student initiated changes can take place. Congratulations to all those who worked on that project. MARTIN KRESSE

JET CHARTER FLIGHTS

NEW YORK \$135

Leave Dec. 19 - Return Jan. 3 round trip

Leave Dec. 20 - Return Jan. 4

LONDON \$249

Leave Dec. 19 - Return Jan. 4

These flights are open to Student, Faculty, Staff Employees and their immediate family

Phone (415) 392-8513

CHARTER FLIGHTS Mail today for free flight information

995 Market St., San Francisco, Calif. 94103

Please mail me information on flights

Name _____ Apt. No. _____
Street _____ Phone No. _____
City, State & Zip No. _____



234 McALLISTER ST.
SAN FRANCISCO, CALIF.

AD RATES

The funds budgeted to Hastings Law News do not allow the publication of more than the 4-page tabloid format used in the last three issues. Four pages every two weeks is not sufficient to accommodate the student interest evidenced by the feature articles published in this expanded issue.

H.L.N. will attempt to finance occasional eight-pagers by soliciting and publishing commercial advertisements. The rate will be:

1/8 page ... \$ 7. 50
1/4 page ... \$ 15. 00
1/2 page ... \$ 30. 00

In addition to subsidizing the publication costs, it is hoped that these reasonable rates will enable interested students to rent space for their individual organizational or commercial enterprises. To place a "commercial" ad contact Jim Moore at H.L.N. office on the 2nd floor of 55 Hyde.

H.L.N. WILL CONTINUE TO RUN THE STUDENT FREE AD SERVICE FOR INDIVIDUAL USE.

NEW COURSE OFFERING UNDER STUDY

Proposed Topic: CONSUMER RIGHTS

Proposed Prof.: MR. WILLIAM BENNETT

The student petition requesting this new course is not adequate for planning purposes since a number of those signing were first-year students without elective options. In order to make a more accurate determination of classroom size required and student interest, it is requested that 2nd and 3rd year students interested in enrolling in the proposed course fill out this coupon and deposit it with Dean Munster's Secretary in the Admin. offices, mezzanine, main building.

There will be no charge for change of electives to accommodate this course.

THIS IS NOT A PRE-REGISTRATION FORM.

NAME: _____

SECTION _____

I DESIRE TO TAKE THE PROPOSED COURSE.



1133 Avenue of the Americas
New York 10036 212-765-5700

THE PRACTICING LAW INSTITUTE, a non-profit educational institution, which offers bar review courses for the NEW YORK and DISTRICT OF COLUMBIA Bar Examinations, has requested that an interested Hastings student act as their Hastings representative in exchange for a reduced bar review fee. If interested contact DEAN MUNSTER.

Voter Turnout For Referendum

The final tally of last week's referendum shows Hastings students supporting the Moratorium by 70.3 % and demanding a cessation of the Chicago conspiracy trial by 57.5 %.

According to the results released by A.S.H., 459 students cast ballots in favor of the moratorium measure, calling for cancellation of classes on November 14th and 15th, while 193 of their peers voted in the negative.

620 students voted on the Chicago referendum, 357 "aye" and 263 "nay" votes being recorded. There were 32 fewer ballots cast for this second issue. Class breakdowns, by issue, are:

		MORATORIUM	
		ISSUE	
I.	Yes 233	No 91	
II.	Yes 123	No 63	
III.	Yes 103	No 39	

I.	Yes 192	No 115	CHICAGO
II.	Yes 92	No 85	ISSUE
III.	Yes 73	No 63	

Assistant Registrar, Mrs. Lenora Albright, reported her latest count showed 539 1st-year, 353 2nd-year, and 281 3rd-year students, for a total enrollment of 1173. (ed. note - the headline figures for percentage of students not voting used old enrollment figure of 1, 040,) So the percentages of students voting were, 55.5 % on the moratorium issue and 52.8 % on the Chicago issue.

1st-Year students were more active, 61.1% voting on the first issue, outstripping the 3rd-year by almost 10% and the 2nd-year by 7%. It would also seem the frosh were the most adamant on the 1st issue, with 72% of those voting, supporting the moratorium referendum.

On the Chicago Issue, the constituency was split more evenly, but the 1st-year class, again, took an 8 percentage point lead, approving the measure by a margin of 63%, with the third year assenting by a 55% vote, and 2nd-year a scant 3% behind that.

There has been no reaction from the administration at this time.

FREE AD SERVICE

SET OF BAR-BELLS, for sale, aprox. 200 #'s of weights - \$ 20. - CALL- 668 - 9978 or contact William Morris Sec. III-A

ELECTRIC FLOOR HEATER - fan-forced heat with thermostat and automatic safety shut off, used less than 5 hours - \$ 18. new price, will sell for \$12. CALL - 261 - 1462.

1964 CHEV. 1/2-TON PICK-UP TRUCK - 6 cyl. 4 speed, new tires, w/radio & heater - \$ 900. Call - William Morris - 668 - 9978.

1968 VW SQUAREBACK, sun roof, ski-rack, still on warranty, excellent condition - asking \$ 2,000. - CALL - 771 - 4627.

MINI - GARAGE SALE - bookcase, chairs, 3 oil paintings, small table CALL - 771 - 4627

FOR SALE: 1963 OLDS. F-85 \$ 375. & 1956 FORD 1/2 TON PICK-UP TRUCK \$ 275. - Call - Charles Frazer - 285 - 1689 - SEC. I-C.

PANASONIC AM/FM, TUNER-AMPLIFIER, automatic or manual tuning, separate speakers, excellent condition - 1 yr. old - cost \$ 160. new - will sacrifice for \$ 95. CALL - J. ELLSWORTH at 526 - 3880.

RIDE NEEDED FROM BERKELEY-ALBANY AREA - will share expenses - CALL - Sharon at 526 - 8655

AVAILABLE NOW - Furnished Studio Apt. - one Block from Ocean - at " The Beach " --- \$ 105. per month. 4740 BALBOA - other Hastings Students are tenants here. CALL - MRS. BRAND 221-1609.

1-BEDROOM Apt. - Poteraro Hill w/view \$160. per month - CALL - MRS LEVINE at 751 - 9323.

FURNISHED ROOM WITH KITCHEN PRIVILEGES - \$ 65. per month, 60 Webster near U.C. Extension - CALL MR. HOLDEN 863 - 0212.

ANY STUDENT INTERESTED IN WORKING ON A PATENT LAW TOPIC FOR MOOT CT. Phone - Paul Supnik at 387 - 2289.

FOR SALE - WICKS OUTLINES, Contracts, Corps., Torts., 2nd year cans Call - 456 - 9137.

OUTLINES - Anti-Trust, Equity, Corps, Con-Law- CALL - 863-6881.

NEEDED DESPERATELY - a law student who will review transcript of a criminal trial w/regard to the Little Lindberg Law, for a writ of habeas corpus. CALL Betty Tatum at 454 - 8085 (San Rafael) - whatever help you can give will be greatly appreciated.